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November 16, 2000

VIA HAND DELIVERY

Magalie Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby, Room TW-A325
Washington, D.C. 20554

Re: In the Matter of Toll Free Service Access Codes
CC Docket No. 95-155

Dear Ms. Salas:

Enclosed for filing please find an original and four copies of Comments of the SMT and DSMI on the Petitions for Emergency Relief of the Toll Free Number Coalition and the Toll Free Commerce Coalition in the above referenced matter.

Please date stamp one of the copies and return it to the messenger in the enclosed envelope.

Thank you for your assistance in this matter.

Very truly yours,

Aaron M. Panner

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Toll Free Service Access Codes	CC Docket No. 95-155

COMMENTS OF THE SMT AND DSMI ON THE PETITIONS FOR EMERGENCY RELIEF OF THE TOLL FREE NUMBER COALITION AND THE TOLL FREE COMMERCE COALITION

INTRODUCTION

The SMS/800 Management Team (the "SMT") and Database Management Services, Inc. ("DMSI")[1] hereby respond to the petitions for emergency relief filed by the Toll Free Number Coalition ("TFNC") and The Toll Free Commerce Coalition ("TTFCC"). In their petitions the TFNC and TTFCC (collectively, "petitioners") seek a ruling deferring the release of the 855 toll free service code planned for November 18, 2000, based on alleged problems with prior introductions of the 877 and 866 service codes. The petitions — filed at the eleventh hour — are based on factual misstatements: petitioners ignore or misrepresent recent changes in the number reservation system implemented by DSMI that are designed to ensure that the few documented problems with the 866 roll out will not recur. The reservation system is thus fully compliant with this Commission's requirement that toll-free number reservations be made available on a

[1] As described in the Commission's Fifth Report and Order, *Toll Free Service Access Codes*, 15 FCC Rcd 11939 (2000) ("*Fifth Report and Order*"), the RBOCs jointly provide for access to the SMS/800 database through a tariff. *Id.* at 11941-42, ¶ 3. Representatives of the RBOCs make up the SMT; DSMI serves as the SMT's business representative. *Id.*

"first-come, first-served" basis. For this reason, the SMS/800 Number Administration Committee ("SNAC") — an industry committee comprising large and small Responsible Organizations ("Resp Orgs") — decided on November 3, 2000, to move ahead with the introduction of the 855 service code.

The requested deferral of the introduction of the 855 code is thus unnecessary, and to defer the code opening would cause serious administrative inconvenience to many in the industry who have prepared for the opening. Moreover, the industry process that led to the decision to roll out the 855 code was entirely open to the participation of the petitioners and their members. The petitioners therefore can make no showing that the equities support the extraordinary relief they seek.

At the same time, petitioners are correct that toll-free numbering resources are not in imminent danger of exhaustion. Accordingly, if this Commission determines at this late date that deferral of the 855 code roll out is desirable in order to permit further testing of the enhanced reservation system, the SMT and DSMI will accept that decision.

BACKGROUND

In the *Fourth Report and Order*,[2] the Commission concluded that toll free numbers in the 877 service code and subsequent codes should be assigned on a "first-come, first-served basis." 13 FCC Rcd at 9060, ¶ 3. In particular, the Commission abandoned the approach — taken when the 888 service code was introduced — of giving the holders of "vanity numbers"[3] in existing

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[2] Fourth Report and Order and Memorandum Opinion and Order, *Toll Free Service Access Codes*, 13 FCC Rcd 9058 (1998) ("*Fourth Report and Order*").

[3] A vanity number "is a telephone number for which the letters associated with the number's digits on a telephone handset spell a name or word of value to the number holder." Notice of Proposed Rulemaking, *Toll Free Service Access Codes*, 10 FCC Rcd 13692, 13701-02, ¶ 35 (1995) ("*Notice of Proposed Rulemaking*"); *see also* Report and Order, *Toll Free Service*

codes a right of first refusal on those numbers in the new codes. *See* 13 FCC Rcd at 9067-68, ¶ 20, 9069, ¶ 24. The Commission determined that a first-come, first-served system would promote "orderly and efficient allocation of vanity numbers" and is "a more equitable method" than the alternatives. *Id.* at 9065, ¶ 13. The Commission also reaffirmed the "well-established principle that telephone numbers are a public resource that subscribers do not own." *Id.* at 9067, ¶ 20.

The Commission left the details of implementing the first-come, first-served system to the industry. *See Notice of Proposed Rulemaking*, 10 FCC Rcd at 13695, ¶ 10 (reaffirming general policy of leaving "most 800 numbering issues to the industry for resolution"). Although the SMT administers the national toll free number database systems, with DSMI as its business manager, the "industry as a whole, through the Alliance for Telecommunications Industry Solutions (ATIS) determines implementation of new toll free codes." *Fifth Report and Order*, 15 FCC Rcd at 11949, ¶ 25.[4]

Implementation of the 877 code in April 1998 took place according to these first-come, first-served rules; numbers were assigned based on the time a reservation request was received in the Reservation Queue. Because of the crush of demand, however, some parties had trouble getting their requests into the queue in a timely manner. Nonetheless, requests that were received were processed in a first-come, first-served manner.

After a number of meetings and discussions, the SNAC reached a consensus on several changes to the first-come, first-served functionality of the reservation process to address concerns about access. Initially, the industry recommended that implementation of the 866 and

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Access Codes, 11 FCC Rcd 2496, 2498, ¶ 12 (1996) ("*First Report and Order*") (vanity numbers can also be "valued for, among other things, the fact that their digits are easily memorized").

[4] SNAC is the subcommittee within ATIS responsible for toll free numbering issues.

855 codes be delayed pending these changes. On June 5, 2000, the industry informed the Commission that the need for toll free numbers was so great that the 866 roll out should proceed before the new functionality was implemented. *See* Letter from Ronald D. Havens, OBF Moderator, to L. Charles Keller, Chief, Network Services Division at 1-2 (June 5, 2000) (Att. 1). The 866 code was rolled out, as planned, on July 29, 2000, despite last minute legal wrangling — TFCC filed a petition for emergency relief before this Commission on July 26 and sought a temporary restraining order in federal court on July 28, which the federal court denied.

The roll out of the 866 code was relatively problem-free. The 866 code was introduced, at the industry's behest, prior to implementation of certain planned functionality upgrades to the first-come, first-served system, and some congestion experienced during the 877 roll out recurred. As with the 877 roll out, however, requests that were submitted were processed in the order received. In response to concerns raised about the 866 roll out, the SMS/800 Data Center identified about 35 Resp Orgs that complained of congestion and the SMS/800 Help Desk invited them to participate in system testing in preparation for the 855 roll out. *See* Declaration of Michael J. Wade ¶ 5 (Att. 2). A system test, conducted on September 6, 2000, was able not only to replicate the congestion problems experienced during the 866 roll out, but also to isolate and identify the source of that congestion. *See id.* ¶¶ 5-6. Resp Orgs were invited to participate in a conference call on October 4, 2000, to discuss the findings from that system test. *See id.* ¶ 5.[5]

The SMS/800 Data Center and the SMS/800 Site Support organization determined that the primary cause of the congestion during the 866 roll out was a result of the operation of two of

[5] For this reason, TFNC's complaint (TFNC Petition at 6) that its members were not informed about the results of the September "stress tests" is meritless — the results were discussed on the October 4 call, which was open to all.

the interfaces used to access the SMS/800 database — Graphical User Interface ("GUI") and dial up ("3270"). *See id.* ¶ 6. These interfaces were designed to enter "response mode" after a user submitted a request and would not accept further requests until a response was received from SMS/800 with respect to the previous transaction. *See id.* During the initial phase of a roll out of a new code, heavy volumes could lead to delays of as long as 20-25 minutes between sending an order and receiving a response, during which time the user could not enter additional requests.[6] *See id.* These delays could be exacerbated by particular user behavior, such as pressing the ENTER key repeatedly, which could cause the terminals to lock up. *See id.* Prior to the roll out of the 866 code, SNAC had reached consensus that, subsequent to the 866 roll out, the GUI and 3270 interfaces should be modified to eliminate "response mode" and to permit users of those interfaces to submit a continuous stream of requests into the reservation queue. *See id.* ¶ 7.

In early October, a new version of the SMS/800 reservation software — which incorporated all of the changes discussed prior to the roll out of the 866 code, including the elimination of response mode — was installed in the SMS/800 tutorial system and in the testing system at the SMS/800 Dallas Data Center. *See id.* SMS/800 also announced that the revised software would become generally available on November 4. *See* SMS-00-215 (Oct. 4, 2000) (Att. 3). On October 12 and October 17, the industry tested the enhanced system. *See* Wade Decl. ¶ 7; SMS-00-199 (Sept. 15, 2000) (Att. 4); SMS-00-208 (Sept. 28, 2000) (Att. 5). During the October tests, the system lock out problems experienced during the 866 roll out did not recur. *See* Wade Decl. ¶ 7. Users of the GUI and 3270 interfaces were able to continue generating

[6] The third interface Resp Orgs can use to access the SMS/800 database, Mechanized Generic Interface ("MGI"), did not have a "response mode." Nonetheless, MGI users did not receive responses any faster than users of the GUI or 3270 interfaces. *See* Wade Decl. ¶ 6.

requests without having to wait for responses to earlier requests. This system has been available for further testing by users since October 17. *See id.* The new software, Release 11.2.3, was installed in the production SMS/800 environment on November 4 (not November 6, as TTFCC states (TTFCC Petition at 6)). *See* Wade Decl. ¶ 9; SMS-00-241 (Oct. 24, 2000) (Att. 6). Resp Orgs were not required to make any changes to their systems to take advantage of the modifications made in Release 11.2.3. *See id.* ¶ 9. During a SNAC conference call on November 3, to which all Resp Orgs were invited, users discussed the October tests and agreed that the lock out problem had not recurred.[7] *See id.* ¶ 8. The industry reached consensus, with no Resp Orgs objecting, that the opening of the 855 code should proceed as scheduled, on November 18, 2000. *See id.*

As a result, the 855 roll out will occur using Release 11.2.3 in accordance with this Commission's "first-come, first-served" policy. Resp Orgs can submit their orders through one of three interfaces, MGI, GUI, and 3270. *See id.* ¶ 3. Users of each interface can submit search and reservation requests for up to ten numbers in a single transaction.[8] *See id.* ¶ 10. Further, none of the interfaces has a "response mode." *See id.* ¶ 12. Although users of MGI, which is a system-to-system interface, can generate transactions very quickly, users of GUI and 3270 can employ scripts that will generate transactions as fast as a personal computer can process them. *See id.* ¶ 11. Moreover, users of GUI and 3270 are able to establish as many simultaneous connections as they desire. *See id.* Finally, MGI volumes do not impact receipt of GUI and

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[7] Accordingly, TTFCC's complaint that DSMI provided no information concerning the results of the October tests (TTFCC Petition at 5-6) is unfounded: the results of the test were discussed on the November 3 call; all Resp Orgs were invited to participate in that discussion.

[8] This represents an improvement on the prior 3270 interface, which required separate search and reservation requests and permitted only one number per reservation request, and an efficiency gain both for users of the 3270 interface and for the system as a whole by reducing the number of transactions submitted to the system. *See* Wade Decl. ¶ 10.

3270 requests; a single Reservation Queue processes all transactions, regardless of interface, in the exact order in which they are received — first-come, first-served. *See id.* ¶ 12.

DISCUSSION

The TFNC's and TTFCC's requests for deferral of the roll out of the 855 toll free service code — based on anticipated problems with access to the reservation system by smaller users — reflect a series of factual inaccuracies. These comments are intended to set the record straight: in reality, the SMT and DSMI have taken all necessary steps to ensure that the release of the 855 service code will be both equitable and efficient.

This Commission determined that numbers in the 855 code are to be assigned "on a first-come, first-served basis." *Fourth Report and Order*, 13 FCC Rcd at 9060, ¶ 3. DSMI and the SMT have worked closely with SNAC and the Resp Orgs to resolve the congestion problems experienced by some Resp Orgs during the roll out of prior toll free codes. Indeed, Resp Orgs have been notified, on multiple occasions, about the activities underway so that they could have the opportunity to express their views. As explained above, the industry is satisfied that the cause of any congestion difficulties experienced during prior code roll outs has been eliminated. Moreover, the three interfaces available to Resp Orgs are now as equivalent as possible given their inherent technological limits. Accordingly, the 855 roll out will comply fully with the Commission's first-come, first-served mandate.

The petitioners' arguments to the contrary are without merit: they are based on speculation, combined with an inaccurate depiction of the facts. The TFNC ignores the system upgrades that followed the 866 roll out, which were tested successfully in October and were implemented on November 4. TTFCC does acknowledge the software upgrade, but incorrectly states both that it was not tested in October and that revisions to the 3270 interface will reduce

system efficiency. *See* TTFCC Petition at 6. In fact, during the November 3 SNAC conference call — to which all Resp Orgs were invited — all participants agreed that the lock out problem had been solved. No participant objected to proceeding with the roll out on November 18. Nor does either petitioner refer to the October 4 conference call, at which the results of the September system test and the identification of the source of the lock out problem were discussed. Both petitioners and their members had the opportunity to participate in each of these calls and to express their concerns to other Resp Orgs, the SMT, and DSMI. In sum, the petitioners have provided this Commission with no reason to believe that problems they claim to have experienced during the 877 and 866 roll outs will recur during the 855 roll out.

Petitioners will thus have the same opportunity as every other Resp Org to obtain the toll free numbers they seek. In any event, there is never any guarantee that a Resp Org will be able to obtain any given number. Over 300 Resp Orgs will be submitting number requests when the 855 code opens and many will be seeking the same number, possibly on behalf of the same end user. This competition makes it extremely unlikely that any Resp Org will get all, or even most, of the vanity numbers it seeks. *See* Wade Decl. ¶ 13. Delaying the roll out of the 855 code will have no appreciable effect on the possibility that users of specific vanity numbers in the 800, 888, 877, or 866 codes will be able to obtain the equivalent numbers in the 855 code.

Moreover, the TFNC's and TTFCC's decision to file their petitions at the last minute, and their failure to participate in the industry process leading up to the introduction of the 855 code, belie their claim that the equities favor the extraordinary relief they seek. The petitioners have known of the plan to roll out the 855 toll free service code on November 18, 2000 since June 2000; they have known about the issues they experienced during the 866 roll out since July 29, 2000; they have known about the planned changes to the system since early October 2000.

Nonetheless, the petitioners apparently chose not to participate in the various SNAC conference calls leading up to the 855 roll out. Instead, the TFNC and TTFCC elected to file these petitions for emergency relief.[9]

Accordingly, the SMT and DSMI believe that any delay in the roll out of the 855 toll free service code is unwarranted. Moreover, any delay will cause considerable inconvenience to Resp Orgs and users of toll free service numbers, as both groups have made substantial preparations for the 855 roll out. Resp Orgs have implemented changes in their systems to recognize the new codes, to train the sales staff to sell the new codes, and to alter their documentation and sales materials. Moreover, Resp Orgs have already committed significant resources for a Saturday roll out. A delay would require over 300 Resp Orgs to determine the next available date when all of them could participate in the 855 roll out and would lead to duplication of much of the effort made in anticipation of this Saturday's planned roll out. Users of toll free numbers will also suffer from any delay, as they will be forced to defer planned implementation of toll free service using the new 855 numbers. Much of the time and money these users spent preparing for the roll out of the 855 numbers would likewise have been wasted and need to be duplicated.

At the same time, the situation now differs from the situation before the 866 code roll out in one significant respect: toll free numbering resources are not in imminent danger of exhaustion at this time. For this reason, a delay in introduction of the 855 code would be less disruptive to the industry than a delay in the introduction of the 866 code would have been. The SMT and DSMI believe that the facts do not warrant any delay in the 855 code roll out.

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[9] TTFCC offers no explanation for its delay in filing its petition. The TFNC claims that it waited until after the "recent decision by DSMI not to defer the planned rollout" before filing its

However, if the Commission determines that, even at this late date, a delay is warranted to permit even more testing of the enhanced system, the SMT and DSMI will comply with that determination.[10]

CONCLUSION

For the foregoing reasons, the petitioners have failed to justify emergency relief in this case.

Respectfully submitted,

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November 16, 2000

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petition. *See* TFNC Petition at 1 n.2. But TNFC does not and cannot claim that it participated in the deliberations leading up to that *unanimous* decision — reached by the SNAC, not by DSMI.

[10] TTFCC requests two forms of alternative relief: setting aside nearly 150,000 vanity numbers from the initial release, and preventing use of the MGI interface for the first six hours of the code release. Both requests are fundamentally at odds with the Commission's contrary conclusions in the *Fourth Report and Order* and therefore amount to untimely petitions for reconsideration of that order. *See* 47 C.F.R. § 1.429(d). In any event, the Commission has correctly determined that a first-come, first-served system, with no special treatment for vanity numbers, is the most efficient and equitable way in which to assign toll free numbers. *See* 13 FCC Rcd at 9065, ¶ 13. Likewise, TTFCC's suggestion that MGI users should be locked out of the system for the first six hours of a new code release is contrary to this Commission's conclusion that all subscribers should have "an equal opportunity to reserve desirable toll free numbers as new codes are opened." *Id.* at 9069, ¶ 25.

OBF Reference Number: 00-05-31-1

Alliance for Telecommunications Industry Solutions

Sponsor of the

Ordering and Billing Forum

A forum of the Carrier Liaison Committee

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Amy Sander
OBF Administrator

June 5, 2000

L. Charles Keller
Chief Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: 866/855 Easily Recognized Codes ("ERCs")

Dear Mr. Keller,

The purpose of this letter is to provide an updated status report on the recent work of the Ordering and Billing Forum's ("OBF") SMS/800 Number Administration Committee ("SNAC") with respect to the implementation of the 866/855 Easily Recognized Codes (ERCs) in support of Toll Free Services Applications.

In correspondence dated March 14, 2000, the SNAC had previously recommended that the 866 and 855 ERCs be delayed to allow an analysis of potential solutions associated with the design of the IMS queue and the first-come, first-served functionality of the reservation process. Since that time, the SNAC has reviewed several proposals from Telcordia. On May 8, 2000 the SNAC agreed on the implementation of a proposal with the three functional changes below.

1. Allow online to do a search and reserve in one request for one to ten specific or random numbers.
2. Move query and change requests from online and GUI to a different transaction, which uses a separate region for processing.
3. Unlock online and GUI terminal once reservation is in progress and numbers are locked.

The SNAC believes that in addition to fulfilling the first-come, first-served requirements, these changes will level the playing field between MGI and online/GUI users. Allowing time for the development and testing of this proposal, the earliest the 866 ERC could be opened is September 2, 2000.

The toll free exhaust projection has decreased by more than eight months since the SNAC agreed to delay the opening of the ERCs.

The current projected exhaust date is December 19, 2000. Although the SNAC would prefer to have the reservation functionality changes noted above in place prior to the next ERC opening, the Committee is concerned there is too great of a potential for the current toll free resource to exhaust before the implementation of the new reservation process.

Accordingly, the SNAC reached consensus on a May 12, 2000 full committee conference call to open the 866 ERC on July 29, 2000. In addition, the SNAC reached consensus to open the 855 ERC on November 18, 2000 after the implementation of the reservation functionality changes agreed to on November 4, 2000.

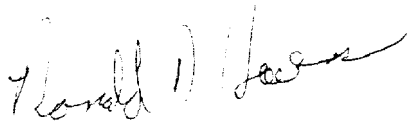
The SNAC will notify industry associations defined as the Independent Association of Payphone Providers (IAPP), Association for Local Telecommunications Services (ALTS), and United States Telephone Association, (USTA) of the consensus dates for implementation of 866 and 855 ERCs.

The SNAC would also like to restate their request for an extension of the reservation period. Due to public interest in new codes as well as potential for exhaust, it is anticipated that there will be pent up demand on the dates of the code openings. In anticipation of these needs, the SNAC is again requesting that the FCC issue an order to DSMI (Database Service Management, Inc.) that extends the reservation period on an interim basis (as was previously ordered for 877 implementation) from 45 to 60 days. The extension of the reservation period for the 866 ERC opening would apply from July 29, 2000 through September 27, 2000. The extension of the reservation period for the 855 ERC opening would apply from November 18, 2000 through January 17, 2001.

The SNAC is requesting that the FCC respond at their earliest convenience but no later than June 16, 2000 as to whether or not they will support this request.

If you have any questions, please do not hesitate to call me at (913) 624-6881 or Megan Campbell, ATIS General Counsel at (202) 434-8847.

Sincerely,



Ronald D. Havens
OBF Moderator

cc: Lawrence E. Strickling, Chief, Common Carrier Bureau
Yog Varma, Deputy Chief, Common Carrier Bureau
Les Selzer, FCC Economist
Marty Schwimmer, FCC Senior Attorney
Pat Parker, SNAC Co-Chair
Matt Peacock, SNAC Co-Chair
Megan Campbell, ATIS General Counsel
Gwendolyn Shaw, ATIS OBF Director
Stephanie Cowart, OBF Assistant Moderator

Declaration of Michael J. Wade

1. I, Michael J. Wade, am President of Database Service Management, Inc. (DSMI). DSMI, acting as the business representative for the Regional Bell Operating Companies (RBOCs), is the service and system administrator for SMS/800 Services. SMS/800 Services support the provisioning and maintenance of centralized Toll Free Service in the United States. I have been the President of DSMI since its formation in April 1993. In that capacity, I am responsible for the day-to-day administration of SMS/800 Service and the coordination and oversight of the underlying vendors whose combined services enable the SMS/800 to function.

2. The opening of the 855 Toll Free service code, scheduled for Saturday, November 18, 2000, is consistent with the Federal Communications Commission (FCC's) "first come - first served" policy articulated in the Fourth Report and Order in CC Docket 95-155. "First come – first served" software systems are typically defined as "first come – first served" at some particular point in the process. That is true of the SMS/800 as well. For the SMS/800, the first come – first served demarcation point is the front of the reservation queue. The 800 Service Management System (SMS/800) Functions tariff was modified, effective June 2, 2000, to clarify this exact point. See 2.3.1(A)(1) ("Specific 800 number requests are honored based upon availability, on a first-come, first-served basis, at the time the reservation request is received in the Reservation Queue by the SMS/800.").

3. Responsible Organizations ("Resp Org") can access the SMS/800 database through one of three interfaces: Mechanized Generic Interface (MGI), Graphical User Interface (GUI), and dial up (3270).

4. After the roll out of the 866 code on July 29, 2000, DSMI worked diligently with the vendors involved in the provision of SMS/800 Services, as well as the Resp Orgs, to isolate the cause of the congestion experienced during the roll out. DSMI has worked closely with the members of SNAC and has notified Resp Orgs on multiple occasions of the activities underway so that they could have the opportunity to express their views. DSMI is also diligent in responding to inquiries from Resp Orgs. Although TFNC claims not to have received a response to their letter of April 5, 2000 seeking clarification of the steps being taken in preparation for the 866 roll out, I responded to their inquiry in the attached letter, dated and sent on May 18, 2000.

5. Following the roll out of the 866 code, the SMS/800 Site Support organization identified about 35 Resp Orgs that had experienced congestion during that roll out. The SMS/800 Help Desk contacted them to invite their participation in testing the reservation system. The SMS/800 Data Center, working with the SMS/800 Site Support organization, conducted a system test on September 6, 2000, in an attempt to replicate the congestion experienced during the 866 roll out. That test, which included Resp Orgs and simulated users, was able to replicate the lock out problem. Resp Orgs were invited to participate in a conference call, held on October 4, 2000, during which the results of that test were discussed.

6. As a result of the September test, the SMS/800 Data Center and the SMS/800 Site Support organization were able to isolate the primary cause of the congestion delays experienced by certain Resp Orgs. Two of the three interfaces for accessing the SMS/800 database — GUI and 3270 — are designed to go into "response mode" after a Resp Org enters a request for a number or a set of numbers. While in "response mode," those interfaces will not accept further user input until they have received responses from the SMS/800 regarding the previously submitted request. During the early hours of a new code roll out, a significant number of requests are received nearly simultaneously, resulting in a user's GUI or 3270 interface remaining in "response mode" for as long as 20-25 minutes while the request was processed and a response returned. In addition, if a user pressed the ENTER key repeatedly while an interface was in "response mode," that interface would lock up. By contrast, the MGI does not have a "response mode." As a result, MGI users did not have to await a response before submitting additional requests. MGI users, however, did not receive responses any faster than GUI or 3270 users.

7. The elimination of "response mode," as well as other changes to the reservation systems, had been agreed to by SNAC in May 2000 and slated for implementation following release of the 866 code. In early October 2000, these changes were made to the SMS/800 reservation software and the revised software was tested by Telcordia, the software provider, and installed in the test systems in the SMS/800 Dallas Data Center. Tests of Release 11.2.3, the revised software, occurred on October 12 and October 17, involving Resp Orgs and simulated users. No lockouts were reported on GUI or 3270 systems during these tests. The revised testing environment has been available to Resp Orgs who wish to conduct further tests since October 17.

8. The results of the two October tests were discussed at a November 3 SNAC conference call. The participants in the call agreed that the revisions contained in Release 11.2.3 had eliminated the lock out problem. The participants also reached consensus that the 855 roll out should occur on November 18, as scheduled. No participant in the call, which was open to all Resp Orgs, objected to continuing with the roll out on November 18.

9. Release 11.2.3 was implemented in the production SMS/800 environment on November 4, 2000. Resp Orgs were not required to make any changes to their systems to take advantage of the modifications made in Release 11.2.3. As a result, users of the GUI and 3270 interfaces, like users of MGI, are now able to submit a continuous stream of number requests and no longer have to wait for responses to their early requests.

10. Two further changes were also made to the 3270 interface on November 4, 2000. First, users of that interface can now do a search and reserve in one request, as can users of the GUI and MGI interfaces. Second, users can search and/or request from 1 to 10 specific or random numbers in a single request, as can users of the GUI and MGI interfaces.

11. With these changes, the three interfaces offer roughly equivalent degrees of service. Differences remain, however. The GUI interface, for example, may be slowed down due to congestion on the Internet that is unrelated to the volume of requests submitted to the SMS/800. The main differences remaining between the MGI and GUI and 3270 interfaces are a product of their inherent technological limitations. MGI is a system-to-system interface that allows users to generate transactions very quickly. Yet users of GUI and 3270 can employ scripts that will generate transactions as fast as a personal computer can process them. Moreover, users of GUI and 3270 are able to establish as many simultaneous connections as they desire. Further, without the MGI option, high-volume requesters of toll free numbers would require a significantly increased data entry staff. AT&T once estimated that, without MGI, it would require 2000 additional data entry clerks, establishing simultaneous links over GUI or 3270, to handle their input into the SMS/800. If all the MGI users employed the additional data entry clerks, and used the GUI or 3270 interfaces, it is not clear that the total quantity of number reservation requests would be impacted. Individual GUI or 3270 users would still face the same level of competition in attempting to reserve numbers.

12. Orders submitted over the MGI interface, however, do not and cannot block orders from users of the other two interfaces. All orders are time-stamped when they reach the system and are processed in the order received regardless of the interface used to submit them. Thus, the volume of MGI orders will not prevent the system from processing GUI and 3270 orders. Further, with the elimination of "response mode," high order volume from any interface will not limit the ability of users to enter further orders over the GUI and 3270 interfaces.

13. Even with these enhancements to the system, Resp Orgs cannot be assured of being able to reserve the numbers they desire. The very intent of a "first come – first served" system is to make numbers readily and equitably available to all users. Given that over 300 companies access the SMS/800 system, the likelihood of any one company getting the exact numbers it requests is very small, especially during such an intense period of number reservation activity as the opening of a new code. Moreover, because end users can contact multiple service providers in an effort to obtain a given number, many Resp Orgs can be vying to reserve the same number.

14. It is impossible at this time to carve out TTFCC's list of "easily recognized codes" in time for the code opening on Saturday. The rollout of the 855 code scheduled for this Saturday cannot be completed on schedule if that list, or any other list, of numbers must first be marked as UNAVAILABLE. The validity of the list would have to be established and the process for marking the numbers UNAVAILABLE in the database would have to be tested.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: November 16, 2000

MICHAEL J. WADE

SMS/800

3 Corporate Place • Piscataway, NJ 08854-4199
732-699-2100 • Fax 732-336-3295

May 18, 2000

Eric Fishman
Holland & Knight LLP
2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-3202

Mr. Fishman:

I have received your letter, dated April 4, 2000, regarding the 866/855 Toll Free Service Access Codes Release. The delay in my response was the result of the intense industry activity related to this issue, and the recent agreements regarding the implementation of proposed changes to the current structure and process.

On May 8th, the members of the SMS/800 Management Team (SMT) announced their intention to implement Option 2A as recommended by the SMS/800 Number Administration Committee (SNAC). Several options and alternatives have been reviewed with the SNAC and on a conference call on May 1st, the SNAC came to agreement that Option 2A was the preferred approach to assuring the system handles all reservation activity in an efficient and equitable manner. Option 2A includes changes to the queuing structure within SMS/800 as well as changes to the functionality of the system to reduce the number of transactions that are processed within the reservation system and to assure that all interfaces have similar capabilities.

Attached to this letter are copies of the charts used to review Option 2A with the members of the SNAC, as well as the NewsFlash that was issued to all Responsible Organizations (Resp Orgs) announcing the SMT's decision. I hope this information clarifies the current status of this matter.

Sincerely,

Michael J. Wade
SMS/800 Services

SMS/800

Bulletin No.: SMS-00-215

Date: October 4, 2000

Subject: SMS/800® Release 11.2.x Software Features and Enhancements

SMS/800 Release 11.2.x will become Generally Available (GA) on November 4, 2000. The release will contain the following new features and enhancements:

3270 Interface

- Adding the ability to search and reserve 1-10 specific or random numbers, with a single request.
- Addition of NQC (Number Query and Change) screen in 3270.

All Interfaces

- Increased efficiency and leveling of the playing field when reserving numbers with 3270, GUI and MGI.
- 3270/GUI terminals will be unlocked once the numbers being reserved via NUS are protected.
- Random (wildcard) search and reservation will be processed separately from the specific search and reservation requests.
- Query and change requests will be processed using a different transaction and different message region than search and reservation requests.
- There will be a new transaction to be used by all types of users for a number search and reservation.

The following pages will describe in greater detail the features and enhancements identified. The 11.2.x release will be installed in the tutorial system on October 6, 2000. It is recommended that all Resp Orgs access this system (IMSE3) and familiarize themselves with the new features.

Please contact the Help Desk at 1-888-SMS-3300, option 1, if you have any questions or require further assistance concerning the release.

SMS/800 Help Desk
1721 S. Sykes Street
Bismarck, ND 58504
(888) SMS-3300. Option 1

SMS/800

3270 (Non-Graphical) Changes

Adding the ability to search and reserve 1-10 specific or random numbers, with a single request.

This enhancement will permit the search and reservation of 1-10 random or specific numbers from the NUS screen using a single step.

Previously, in 3270, a user could search for 1-10 random or partially specified numbers. Now via the NUS screen a user can list up to 10 specific numbers. After pressing enter to retrieve the specific number(s) the status of each number(s) is displayed next to the toll free number. Pressing F7 will update the status of the reservation request.

F7 Statuses

WAITING – Numbers are in the process of being reserved.
INUSE – The number is not spare.
INVALID – Generated when doing a number search for an RCC number via the NUS screen.
ONHOLD – The number is in a pre-reservation state for another user or in a waiting status for another user.
CLOSED – The NPA-NXX combination is not open in SMS/800.

The NUS screen will show the following modifications:

- Allows only search and/or reservation requests.
- Allows a search & reserve request for 1 to 10 specific numbers or up to 10 random numbers. See Figure 1.
- Does not allow the entry of a DIAL# with a state code when entering specific numbers.
- Does not allow any changes to be done on numbers after they are reserved. Numbers can no longer be returned to spare from the NUS screen.
- Once a search or search & reservation has been completed the NUS screen is protected.
- Allows a new request to be submitted immediately following a reservation or search/reservation request without having to wait for the confirmation that the request was completed.

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SMS/800

- After entering the required information for up to 10 specific search/reservations and pressing enter, each specified number will be followed by a status.
- To view the status of the Reservation request, press F7. See Figure 2.

Possible Error or Information Messages on the NUS

- 9610 PRESS F7 TO CHECK FOR PROGRESS STATUS
- 9617 RESERVATION IN PROGRESS FOR NUMBERS WITH A STATUS OF 'WAITING'.
- 9993 UNABLE TO PROCESS RESERVATION REQUEST.

```
RESP ORG: BRSAC                    SMS - 800                    NOW: 09/14/00 02:38P/C
                                NUS - NUMBER SEARCH

 DIAL#: _____________  QUANTITY(1-10): 09   CONSECUTIVE:  N
   NPA: ___            START NXX:  ___       START LINE#:  ____

            888 767-3300    INUSE                  800 356-9377    INUSE
            888 266-7539    INUSE                  888 777-6666    INUSE
            866 783-8342    WAITING                866 444-5555    WAITING
            866 333-4567    WAITING                866 702-3333    WAITING
            866 555-1212    WAITING                ____________


STATUS:              STATUS EFF:              RESERVED UNTIL:
NCON:    STEVE                                NPHONE:  888-767-3300
NOTES: ____________________________________________________________________

 CMD: _____    KEY: ____________________________________________
 1415 THE REQUESTED NUMBER IS NOT SPARE.PLEASE ENTER ANOTHER VALUE.
 9617 RESERVATION IN PROGRESS FOR NUMBERS WITH A STATUS OF 'WAITING'.
```

Figure 1
NUS Screen allowing up to 10 specific numbers to be entered.

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SMS/800

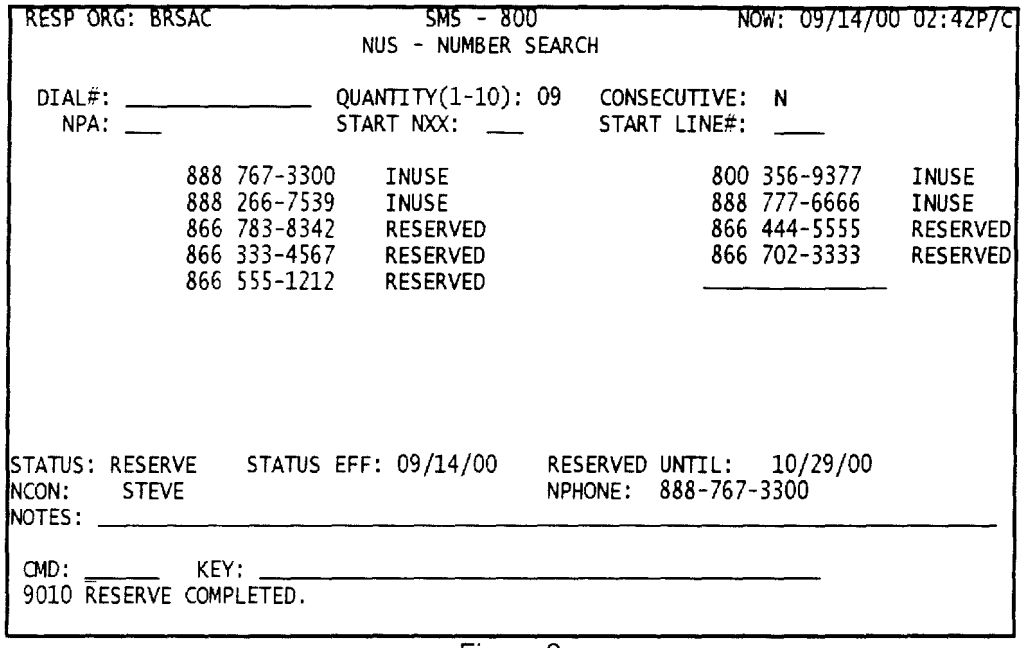

Figure 2
View of numbers and statuses after F7 update.

Addition of NQC (Number Query and Change) screen in 3270.

A new NQC Screen will be added to the 3270 SMS/800. See Figure 3. This screen was created to allow query and change of a non-spare number. See figure 4. The NQC screen will be added to the NUM (Number Administration Menu). See Figure 5. The NQC will be used for the following:

- Return a Reserved or Transitional number to Spare.
- Change the NCON, NPHONE, RESERVED UNTIL DATE, NOTES data on a Reserved or Transitional number.
- Make a Transitional number reserved.
- Change the Resp Org on a Reserved or Transitional number.

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